IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.MC.No. 3420 of 2007()

SC.550/2006 of DISTRICT & SESSIONS COURT (ADHOC)-II, KOLLAM
CRIME NO.597/2006 OF SASTHAMCOTTA POLICE STATION

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PETITIONER: ACCUSED NO.4

SHAIJU, AGED 22 YEARS, S/O. PHILIP,
KARICHU CHERRY VEEDU, EZHAMKALLU, WARD NO.IV,
PUTHUR PANCHAYAT, THRISSUR DISTRICT.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT: STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY P.P.SRI.P. RAVEENDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No. 3420 of 2007

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Dated this the 14th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Section 395 read with 511 IPC. The petitioner was enlarged on bail at the crime stage. Investigation is complete. Final report has already been filed. The petitioner did not appear before the learned Magistrate after cognizance was taken and the committal proceedings was registered. Subsequently he had appeared before the learned Magistrate before the committal court and the case was committed to the court of Sessions. The petitioner did not receive any notice or summons from the Sessions Court. Hence the petitioner did not appear. Reckoning the petitioner as an absconding accused the Sessions Court has issued coercive processes against him. The petitioner finds a warrant of arrest issued by the learned Sessions Judge chasing him. According to the petitioner he is absolutely innocent. His absence earlier was not wilful. He is willing to surrender before the learned Sessions Judge but he apprehends that his application for bail

may not be considered by the learned Sessions Judge , in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Sessions Judge to release him on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the learned Sessions Judge . The learned Sessions Judge must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Sessions Judge and applies for bail after

giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE